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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,167	05/30/2000	Matthew P.J. Baker	PHB 34,348	2454
24737	7590	01/26/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			MIRZA, ADNAN M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/580,167	<b>Applicant(s)</b> BAKER ET AL.	
	<b>Examiner</b> Adnan M. Mirza	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al (6,321,260) and further in view of Ghonno (U.S. 6,404,739).

As per claims 1,3,19 Takeuchi disclosed a method of transmitting data packets over an interface between first and second heterogeneous parts (col. 3, lines 63-67 & col. 4, lines 1-14), the method comprising the steps of: after transmission of the data packets begins, determining in the first part or interface a number of data packets being transmitted in a predetermined time (col. 15, lines 26-31).

However Takeuchi did not disclose in detail reserving, in the second part sufficient information carrying capacity corresponding to at least one data packet in excess of the number determined.

Wherein said transmission occurs in consecutive cycles, said at least one amounting to a quantity that differs depending upon whether said predetermined time is synchronized to said cycles.

Art Unit: 2145

In the same field of endeavor Gonno disclosed the receiver recognize whether they have successfully received the data transmitted via the broadcasting link 2, and store the successfully received data. The data stored in the receiver 3 to 3 are, for example displayed or output as sound according to a predetermined operation performed by the user (col. 6, lines 11-17). Accordingly, the transmitter 1 is designed to transmit packets constituting data a predetermined number of times, which increases the possibility that the receivers can successfully receive the data. The packet transmission may not be repeatedly performed but may be repeatedly performed until a predetermined time elapses (col. 11, lines 23-31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the receiver recognize whether they have successfully received the data transmitted via the broadcasting link 2, and store the successfully received data. The data stored in the receiver 3 to 3 are, for example displayed or output as sound according to a predetermined operation performed by the user Accordingly, the transmitter 1 is designed to transmit packets constituting data a predetermined number of times, which increases the possibility that the receivers can successfully receive the data. The packet transmission may not be repeatedly performed but may be repeatedly performed until a predetermined time elapses as taught by Takeuchi in the method of Gonno increase the mobility of the networks and increase the usage of the network by the user from one access point and efficiently distribute the data.

3. As per claims 2,4 Takeuchi-Gonno disclosed characterized in that at the commencement of transmission the amount of information carrying capacity reserved in the second part

Art Unit: 2145

corresponds to that reserved in the first part and in that the amount of information carrying capacity reserved is reduced during transmission to at least one packet in excess of the number determined (Takeuchi, col. 3, lines 64-67 & col. 4, lines 1-13).

4. As per claims 5,12 wherein, for a buffer of said first part over at least one time period whose duration equals that of said predetermined time, said cycles fill said buffer faster than said buffer is emptied in transmitting to said second part, and wherein, for at least one other time period whose duration equals that of said predetermined time, said cycles fill said buffer faster than said buffer is emptied in transmitting to said second part, and wherein, for at least one other time period whose duration equals that of said predetermined time, said cycles fill said buffer slower than said buffer is emptied in transmitting to said second part, said determining and said reserving being performed both for said at least one time period as said predetermined time period and for a consecutively following time period as said predetermined time period. (All the above traits to claim 5 are considered inherent because the storage of incoming and outgoing data in a buffer depends on the incoming and outgoing data flow rate therefore there is no control over the memory management of the buffer).

5. As per claims 6,13 Takeuchi-Gonno disclosed wherein transmission delivers, to said first part, more than one of said data packets per cycle and sends, from said part to said second part, an integral number of said data packets per cycle (Takeuchi, col. 11, lines 48-55).

Art Unit: 2145

6. As per claims 7,14 Takeuchi-Gonno disclosed wherein said more then on entails part of data packet so that said more than one amounts to a non-integral number of said data packets (Takeuchi, col. 12, lines 57-64).

7. As per claims 8,15 Takeuchi-Gonno disclosed wherein said data packets are of equal size, and said reserving comprises multiplying a sum of said number and one by said size if said predetermined time is synchronized to said cycles (Takeuchi, col. 11, lines 31-37).

8. As per claims 9,16 Takeuchi-Gonno disclosed wherein said data packets of equal size, and said reserving comprises multiplying a sum of said number and two by said size if said predetermined time is synchronized to said cycles (Gonnon, col. 11, lines 23-31).

9. As per claims 10,17 Takeuchi-Gonno disclosed wherein said quantity is one if said predetermined time is synchronized to said cycles (Gonno, col. 12, lines 4-10).

10. As per claims 11,18 Takeuchi-Gonno disclosed wherein said quantity if two if said predetermined time is not synchronized.(col. 11, lines 12-16).

***Response to Arguments***

Art Unit: 2145

Applicant's arguments filed 10/31/2005 have been fully considered but they are not persuasive.

Response to applicant's arguments is as follows.

11. Applicant argued that prior art did not disclose, “ a method of transmitting data packets over an interface between first and second heterogeneous parts, the method comprising the steps of: After transmission of the data packets begins, determining, in first part or interface, a number of data packets being transmitted in a predetermined time; and reserving in the second part, sufficient information carrying capacity, corresponding to at least one data packet in excess of the number determined”

As to applicant's argument Gonno disclosed the receiver recognize whether they have successfully received the data transmitted via the broadcasting link 2, and store the successfully received data. The data stored in the receiver 3 to 3 are, for example displayed or output as sound according to a predetermined operation performed by the user (col. 6, lines 11-17). Accordingly, the transmitter 1 is designed to transmit packets constituting data a predetermined number of times, which increases the possibility that the receivers can successfully receive the data. The packet transmission may not be repeatedly performed but may be repeatedly performed until a predetermined time elapses (col. 11, lines 23-31). Whereas Takeuchi disclosed, “ an information processor for sending data starts the data transfer, it sends a control message storing the information processor for sending data, an information processor for receiving data, the data

Art Unit: 2145

packet size, and the data packet transfer rate to the information processor for receiving data. In the relay process for the control message by an information relay device reserves a sufficient CPU time to perform the relay process of data having the packet size and transfer rate stored in the control message (col. 3, lines 63-67 and col. 4, lines 1-7).

### ***Conclusion***

**12. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



Art Unit: 2145

13. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

14. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).



Adnan Mirza

Examiner



**JASON CARDONE**  
**SUPERVISORY PATENT EXAMINER**